

notification on every one of those packs of cigarettes. It is your assumption of risk. You could have stopped. More people have stopped smoking than have started smoking in America this minute.

So the jurors, in their wisdom—but, oh, no, they want to exempt tobacco on the one hand here, and the cases brought by the attorneys general and the trial lawyers have done more to save people from cancer than Dr. Koop and Dr. Kessler and the American Cancer Society for the last 30 years that I have been up here. They really have gotten us aware, and more people have stopped smoking, like I say, than are smoking this minute in the United States of America.

So when we go to the hearings where we used to have an ashtray and the room was clouded with smoke and my distinguished beloved former chairman, the Senator from Washington, Senator Magnuson, with that cigar right there—we don't have that anymore. But we don't have it not on account of Dr. Koop and Dr. Kessler but on account of the trial lawyers. They are the ones who got into the records. They are the ones bringing the truth out. They are the ones bringing the class action suits, bringing about settlements in Florida, Mississippi, Texas, and Minnesota, and they continue to bring the cases.

They had an orderly process to end all litigation and get a sweetheart deal in the interest of society whereby they would advertise negatively—we can't control their advertising under the first amendment, but they agreed to it—whereby they would have a look-back provision whereby we could come in and control that and fine them if they didn't control it. But instead, that case now is temporarily on hold—to-bacco—and these particular authors want to make sure that tobacco, the most injurious of products, is exempted from this so-called product liability bill.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of this bill, and it is long overdue. In a way, this is a tax cut bill, because it will cut the "trial lawyer tax" often referred to as the "tort tax."

The "trial lawyer tax" is equivalent to the amount of liability insurance that people pay to protect themselves from trial lawyers. They pay it because no one is safe anymore.

We're looking at product liability cases here, but the problem extends far beyond product liability, and I remain committed to broad civil justice reform.

If any Senators think this narrow bill is sufficient, let me mention a few recent verdicts from the tort capital of the United States, New York City. I am convinced that Senators will think twice before they put civil justice reform on the back burner after they hear these horror stories.

A mugger on the New York City subway who was preying on the elderly be-

came a multimillionaire when a Manhattan jury awarded him \$4.3 million for being shot as he fled from the scene of a crime. A Bronx jury gave \$500,000 to a woman who broke her toe in a pothole. Another Bronx jury awarded \$6 million to the family of a drunk who fell in front of a subway train after the jury found the drunk wholly without fault. Another jury in a medical malpractice case awarded \$27 million to an injured patient and another \$6 million to the members of his family—even though they hadn't even sued.

Mr. President, let me return to the subject at hand, which is limited product liability reform. The tort system is really a "trial lawyer tax" that costs American consumers more than \$132 billion per year.

This is a 125 percent increase over the past 10 years. In fact, between 1930 and 1994, tort costs grew four times faster than the growth rate of the economy.

This tort tax costs the average American consumer \$616 per year. The civil justice system, in effect, deputizes the trial lawyers as tax collectors. Further, because they often sue under a contingent fee arrangement, the trial lawyers are bounty hunters.

They all want to bag the big case—the trophy case—and raid those "deep pockets."

The U.S. tort system is the most expensive in the world and costs 2.2 percent of gross domestic product.

This is a jobs issue, Mr. President, because tort reform is good for economic development. The evidence is clear: when States pass tort reform, productivity increases, and employment rises. Let me offer a few examples of the "trial lawyer tax" in action. A heart pacemaker costs \$18,000; \$3,000 of that is the "trial lawyer tax." A motorized wheelchair averages \$1,000; \$170 of that is the "trial lawyer tax." A doctor's fee for removing tonsils averages \$578; \$191 of that is the "trial lawyer tax." A two-day maternity stay averages \$3,367; \$500 is the "trial lawyer tax."

These are the costs of the "trial lawyer tax." Now let's contrast that with the benefits of product liability reform.

Before federal legislation was enacted, production of single engine aircraft had fallen 95 percent from the previous highs of the late 1970s.

Plants were closed and more than 100,000 jobs were lost. In 1986, Cessna Aircraft Company discontinued production of the single engine aircraft. However, Cessna pledged that it would resume production if Congress passed product liability legislation to protect the general aviation industry from the predatory practices of the trial lawyers.

When the Congress finally passed the General Aviation Revitalization Act, Cessna invested \$55 million in facilities and equipment, and it now employs 650 people and plans to double that number.

That is the choice, Mr. President, jobs or lawsuits. Money for working

Americans or rapacious trial lawyers. Productivity or litigation.

I'll side with working Americans, not fat-cat trial lawyers, and I hope the Senate will invoke cloture on this landmark bill.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to proceed for a period of up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUVENILE CRIME

Mr. BROWNBACK. Mr. President, Today, Senator LIEBERMAN and I will host a policy forum entitled "The Young and the Violent: What is Behind the Spread of Juvenile Violence—and What Can Be Done About It?"

The horror of the killings in Jonesboro, Arkansas; Paducah, Kentucky; Edinboro, Pennsylvania; Springfield, Oregon; Fayetteville, Tennessee, among other places, shattered forever the illusion that "it can't happen here." The young and the violent are found in small towns as well as big cities, and their numbers, as well as their crimes, are growing.

We will hear today from some of the most respected criminologists in the nation—as well as those who are working to transform their communities and solve their problems locally. Their insights on the causes, catalysts and consequences of the spread of juvenile crime are helpful in grappling with the most important questions of our time, namely: why has crime risen and civility declined? How have we failed to civilize our children? What is happening to our national character?

Make no mistake, our culture has changed radically over the past few decades. Since the mid-1960s, violent juvenile crime has increased more than 500 percent. And even though teen violence has dropped over the past three years, teen murders have jumped dramatically since even the early 1980s—and there is reason to believe that they will continue to increase.

Not only have the rates and number of juvenile crimes increased, but they have changed in nature as well. Juvenile crime has grown increasingly predatory—where teens kill strangers for the most trivial of matters—a jacket, or a dirty look—or even worse, for sport.

Moreover, the young and the violent are found in rural and suburban areas, as well as the inner cities. Gangs and guns are ever more visible in our schools. Fistfights begin to seem

quaint by comparison. Violence that was once unthinkable now fails to shock. In our schools, and across the nation, we have, to borrow a phrase from my colleague Senator MOYNIHAN, "defined deviancy down."

This forum seeks answers to the questions of why kids kill, why teen violence is on the rise, and what can be done about it. Of course, there are no easy answers. But there are a lot of contributing factors.

Perhaps the single most important factor is the continued breakdown of the American family. Today, almost a third of all children are born out of wedlock. Around half of all children will live in a broken home before they turn 18. Tens of millions of little boys and girls will grow up without a loving and committed father.

There are other cultural warning signs. Popular entertainment continues to glamorize violence. Movies and computer games grow ever more gory and grisly. Chart-topping songs feature lyrics celebrating torture, rape, and murder.

Glorifying violence in popular entertainment—whether it be music, or movies, or video games—is dangerous. It is dangerous because a society that glorifies violence will grow more violent.

We had a hearing recently on the issue of music lyrics. One person made the point along this line and said that if John Philip Sousa's music makes us feel patriotic, and if other music, like Frank Sinatra's, makes us feel romantic, what does music that is violent make us feel? If it is hateful, if it is anti-women, if it is oriented towards death and destruction, we think that is going to make us feel that way—that music will just wrap around your soul and cause some distortions to take place.

But most importantly, this discussion will focus on ways to prevent, curtail, and combat teen violence—whether on the Congressional, state, local, or societal level.

I hope that we will gain insight not only on the proper government policies to deter and combat crime, but also on non-governmental initiatives—including those by churches, faith-based organizations, and charities—that have reached out to troubled youth, and succeeded where government has failed.

One of the great things about our nation is that for each of our problems, there are people who are living and working the solution. In churches, youth groups, schools, charities, and families across the nation, miracles are every day taking place. These groups show what is possible by what is actual—that is, their real-life success stories should inspire us with the possibilities.

We in Congress need to enact wise and prudent crime-fighting policies. But we also need to allow these small, often faith-based groups to touch the souls and transform the lives of those in need.

Mr. President, I know that you, as the Presiding Officer and a Senator in this body, know full well the problems that we are facing in this culture and in this society, and the increase in the violent nature of what is happening here. We are all troubled and very perplexed by it.

What we are hoping with this discussion and policy forum that Senator LIEBERMAN and I have today is that we will be able to begin the national dialog—actually not only begin but continue the national dialog—about what each of us can do now to become a more civilized country to stop the violence from growing.

Abe Lincoln made a point that the United States frequently is a nation that moves to a common thought. I think today we have decided we have focused in on saying this is a major problem. Youth violence is a major problem. What can each of us in our individual capacities and our capacities in this body, or in other places—in our communities and homes, in our churches and synagogues—do to solve this problem?

That is what we are going to focus on today—some of the individual solutions that have taken place, what are appropriate governmental policies. But, more importantly, let's get to the common thought on how to start solving this growing problem in America.

I invite my colleagues to tune in to this policy forum that we will have starting today at 2:30. I hope some of them will be willing to join us and follow the subsequent proceedings as we pick up this debate and try to carry it on forward.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the session be put into recess until after the caucuses.

The PRESIDING OFFICER. Is there objection to that request?

Mr. BROWNBACK. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. I withdraw the request.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is debating a motion to proceed on S. 648.

Mr. LEAHY. I thank the Chair.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I noticed we were in a quorum call. I was going to mention a situation that we have today that we may want to think about as we consider moving to proceed. Tonight much of America is going to observe a midsummer tradition, the major league baseball All-Star Game.

A number of teams are having outstanding seasons, including the New York Yankees, Atlanta Braves and San Diego Padres. Adding special interest to this season is the possibility that the single-season records for home runs and runs batted in may be broken.

Now, when Roger Maris and Mickey Mantle were chasing the home run record in 1961, they finished the first half of the season at 33 and 28 homers, respectively. At this year's All-Star break, Mark McGwire already has 37 homers, Ken Griffey, Jr., 35, and Sammy Sosa 33, as they head toward Maris' record of 61.

Some may recall from baseball history what Babe Ruth said when he was asked about his \$80,000 contract for 1930—it was 10 years before I was born—and at the time it was the highest salary ever agreed to be paid to a baseball player. In a response to a reporter's comment that he was earning more money than the President of the United States, the Babe remarked, "Why not? I had a better year than he did."

So, too, when the American people consider how the Senate is meeting its responsibilities with respect to judicial vacancies, we are going to have to conclude that Mark McGwire is having a better year than the Senate. In light of the All-Star Game being played tonight, let us compare the Senate's pace in confirming much-needed Federal judges to Mark McGwire's home run pace. The Senate got off to an early lead this year. From January through the end of April, the Senate confirmed 22 judges. The Senate's pace, though, slowed in May. We have not been able to generate any real momentum through the spring and early summer. The number of Federal judges confirmed all year is only 33.

Of course, the Senate's early lead on McGwire started to vanish once the baseball season started on March 31, which happens to be my birthday. It took "Big Mac" only 10 weeks to match the Senate's total. By June 8 he had caught and passed the Senate's total and he has been looking back at us ever since. McGwire is on a pace to shatter Maris' record and total 70 home runs in a single season.

You can see on my chart: July—judges confirmed by the Senate, 33; McGwire's home runs, 37; October projections—for the Senate only 51; but for McGwire, 70.